




Doc Code: AP.PRE.REQ

PTO/SB/33 (07-09)

Approved for use through 07/31/2009. OMB 0651-0031  
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-3333	
	Application Number 10/563,160-Conf. #8401	Filed January 4, 2006	
	First Named Inventor Sho Tanaka et al.		
	Art Unit 2622	Examiner L. R. Virany	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,290</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> _____ Signature Christopher M. Tobin Typed or printed name  (202) 955-3750 Telephone number August 3, 2009 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			



Docket No.: SON-3333  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Sho Tanaka et al.

Application No.: 10/563,160

Confirmation No.: 8401

Filed: January 4, 2006

Art Unit: 2622

For: PICTURE DISPLAY CONTROLLING  
APPARATUS AND PICTURE DISPLAY  
CONTROLLING METHOD

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Examiner: L. R. VIRANY

**REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF FINAL REJECTION**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

This request for Pre-Appeal Panel Review is in response to the Final Office Action dated May 8, 2009. Appellants have concurrently filed a Notice of Appeal regarding all outstanding grounds of rejection and will file an Appeal Brief in due course. However, it is anticipated that Panel Review will obviate the need for the filing of a Brief.

**I. The Final Office Action improperly rejects claims 1, 12, and 14 under 35 U.S.C. § 103(b) as being unpatentable over Morimoto et al, US 20004/0179122 ("Morimoto '122") in view of Endo et al, U.S. Pub. No. 2002/0039203 ("Endo '203").**

Claim 1 recites: [a] picture display controlling apparatus comprising:  
*data holding means for holding a plurality of picture data items;*

*picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired;*

*resume pointer holding means for holding as a picture resume pointer the location of the picture data item most recently displayed from any of picture groups obtained by sorting said picture data items;*

*operation inputting means for accepting an operation input for designating any of said picture groups or any of the picture data items in the designated picture group; and*

*display controlling means for exercising control such as to display the designated picture group or the designated picture data item in said designated picture group and each picture group is displayed using at least the location information used by sorting said picture items;*

*wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.*

These features are neither disclosed nor suggested by Morimoto '122 in view of Endo '203.

Morimoto '122 discloses an image capturing device allowing a user to view an album file or the like more easily. In particular, Morimoto '122 discloses a digital camera for registering a captured image in an album file, a display for displaying an image, and a switch button for switching between display images. The image to be displayed is changed in response to depressing a button located on the camera.

By employing the registration process above, Morimoto '122 discloses when viewing the displayed picture on the LCD, the picture is the one most recently registered in the album file. In contrast, Appellant causes a resume pointer holding means to hold the location of the picture data item most recently displayed from a first picture group as the picture resume pointer for the first picture group, while viewing a second picture group. Indeed, by employing the viewing process of

Morimoto '122, the user must display repeatedly the picture data items from the beginning of the album before getting to the one last viewed. This is precisely what Appellant is trying to avoid.

Endo '203 discloses a picked-up image managing device capable of managing picked-up images by grouping the same, a method of determining group names, and computer usable medium storing group name determining program. Particularly, the present invention relates to a picked-up image managing device capable of managing picked-up images in groups based on the position where the image is picked-up, a method of determining group names, and computer usable medium storing group name determining program.

Clearly, Endo '203 discloses grouping picked-up images based on the position data of the where the image was picked-up but does not mention a resume pointer holding means for holding as a picture resume pointer the location of the picture data item most recently displayed from any of picture groups.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 1, 12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203.

**II. The Final Office Action improperly rejects claims 5, 10-11, 13 and 15 under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Endo '203 further in view of Stavely et al, US 2004/0201752 ("Stavely '012").**

Claims 5, 10-11, 13 and 15 incorporate the features of claims 1, which are neither disclosed nor suggested by Morimoto '122 in view of Endo '203, for the reasons stated above. Stavely '012 does not remedy the deficiencies of Morimoto '122 in view of Endo '203, as the various features recited above are also absent from Stavely '012.

Stavely '012 discloses control logic, a display and functions for viewing both individual images and preferred images, each preferred image belonging to a group of images. It provides an image browser user interface that displays a primary set of images comprising individual images and preferred images. There is no mention of a picture group obtaining means for obtaining picture

groups by sorting said picture data items according to the location information of which the picture data was acquire in Stavely '012.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 5, 10-11, 13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203 further in view Stavely '012.

**III. The Final Office Action improperly rejects claims 2-4 and 17 under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Endo '203 further in view of Parulski et al, US 2004/0201752 ("Parulski '877").**

Claims 2-4 and 17 depend from or incorporate the features of claim 1, which are neither disclosed nor suggested by Morimoto '122 in view of Endo '203, for the reasons stated above. Parulski '877 does not remedy the deficiencies of Morimoto '122 in view of Endo '203, as the various features recited above are also absent from Parulski '877.

Parulski '877 discloses a means for using favorite images captured by a digital camera to organize and identify electronic albums. Parulski '877 captures and stores first and second groups of digital images, identifies favorites images for the first and second groups, stores data in the digital camera identifying the favorite groups, transfers the first and second groups to a computer, produces a first electronic album and a second electronic album.

There is no mention of sorting the picture data items according to the location information of which the picture data was acquired on the digital camera. The first and second digital images of Parulski '877 are sorted by the favorite image of the set and does so on a computer not on the digital camera itself. This defeats the purpose of providing the user quick interaction with the digital camera in sorting and retrieving images.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 2-4 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203 in further view Parulski '877.

**IV. The Final Office Action improperly rejects claims 6-9, 16 and 18-23 under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Endo '203 further in view Stavely '012 and further in view of Parulski '877.**

Claims 6-9, 16 and 18-23 depend from or incorporate the features of claim 1, 5, 10 and 11, which are neither disclosed nor suggested by Morimoto '122 in view of Endo '203 further in view of Stavely '012, for the reasons stated above. As previously discussed, Parulski '877 does not remedy the deficiencies of Morimoto '122 in view of Endo '203 or even Stavely '012, as the various features recited above are also absent from Parulski '877.

Accordingly, Appellant respectfully requests reversal of the rejection of claims 6-9, 16 and 18-23 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203 further in view Stavely '012 and further in view of Parulski '877.

Dated: August 3, 2009

Respectfully submitted,

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